

September 13, 2007

Mr. Rich Gannon
NCDENR/DWQ/Planning Section
1617 Mail Service Center
Raleigh, NC 27699-1617

RE: Comments Regarding the Proposed Jordan Lake Nutrient Management Strategy Rules

Dear Mr. Gannon:

The City of Burlington appreciates the opportunity to participate in the stakeholder process and to comment on the proposed Jordan Lake nutrient management strategy. Through the public hearing process and the written comment period, all supporters and detractors have had several opportunities to express their opinions.

I want to express my appreciation for the extended stakeholder process that allowed further discussion and clarification of the proposed rules. This rule-making process has been arduous with little consensus achieved along the way. Clean water is important for everyone, and that goal has not been compromised by the further examination of the rules. The strength of this process and of the effort going forward is the expression of diverse ideas and the combination of the best of them into a strategy for the future.

The traditional approach to address water quality concerns is to focus on urbanized areas and NPDES permit holders. By targeting population centers and new development, there is an attempt to achieve the greatest result efficiently and economically. The problems facing the Jordan Lake watershed and other similar watersheds require us to look beyond the traditional approaches.

We would like to point out that we are implementing Phase II stormwater controls. We feel strongly that the results of the Phase II rules should be monitored for water quality improvements before instituting additional requirements. As a result of Phase II, our community will see increased costs for development that will impact our local economy. Cities and counties should get credit for implementing Phase II regulations.

Agriculture and forestry are potentially the largest land-disturbing activities, potentially the greatest contributors of sediment, and the largest contributors of non-point nitrogen and phosphorus loading. The rules, as drafted, do not hold these activities to the nutrient baseline that other point and non-point sources must observe. The rules do not

contain nutrient removal targets (percent reductions), and there are no requirements for training or nutrient management certifications. These sections of the rules require standard BMPs, and if the standard BMPs are in place during the first five years after the rules become effective, there are no provisions for additional nutrient removal requirements.

As written, the present percent reductions for “non-developable” land (some agriculture, forestry, and conservation lands) will be shifted or re-distributed to other land use activities. This is not what the stakeholders agreed to in the meetings where this was discussed.

One of the critical aspects contributing to the success or failure of the Jordan Lake nutrient management strategy is the effectiveness of the public education effort. In order to be successful, this has to be more than a patchwork of initiatives by local government agencies. The problem of educating the public to alter behavior to protect water quality needs to be addressed statewide.

The City of Burlington is committed to making improvements to our wastewater treatment plants. Based on the nutrient allocation scheme the actual point source reductions for nitrogen and phosphorus approach 30 to 40 percent for our facilities. When NCDENR agreed to move the compliance date for nitrogen loading limits to the year 2016, we felt that we could comply with the nutrient reductions in our effluent.

The proposed rules place a heavy burden on local governments for implementation, inspections, enforcement and reporting. Collectively, state and local governments should collaborate to identify ways of streamlining the requirements to reduce the administrative burden.

Attached to this letter is a more detailed comment concerning the proposed rules. I welcome the opportunity to discuss our concerns and commitment to safe water. Please contact me if you have questions.

Sincerely,

Stephen R. Shoaf
Director of Utilities